

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2004/011333

A. CLASSIFICATION OF SUBJECT MATTER

Int.Cl⁷ A61K31/4545, 9/14, 47/10, 47/26, 47/36, 47/38, A61P37/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl⁷ A61K31/4545, 9/14, 47/10, 47/26, 47/36, 47/38, A61P37/08

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

CAPLUS (STN), JSTPLUS (JOIS)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	JP 57-035586 A (Schering Corp.), 26 February, 1982 (26.02.82), Full text & EP 0042544 A2	1-18
Y	JP 9-208495 A (Kyorin Pharmaceutical Co., Ltd.), 12 August, 1997 (12.08.97), Claims 1, 7; Par. Nos. [0010], [0011] (Family: none)	1-18
Y	Dai Jusan Kaisei Nippon Yakkyokukata Kaihatsu sho, 1996, Kabushiki Kaisha Hirokawa Shoten, A107; lines 24 to 30	1-3, 8-17

 Further documents are listed in the continuation of Box C. See patent family annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search
01 September, 2004 (01.09.04)Date of mailing of the international search report
21 September, 2004 (21.09.04)Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

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<Subject of search>

With respect to claims 1 and 8-16

Claim 1 relates to a dry syrup comprising as an active ingredient a compound defined by the desired property of "binder that upon addition of water at use, provides a uniform dispersion". It appears from the description in Par. No. [0012] that the "binder that upon addition of water at use, provides a uniform dispersion" refers to all of such binder compounds that any dry syrup having the same added thereto satisfies the requirements (i) to (v) recited in claim 12. However, only Examples wherein hydroxypropylcellulose was added are disclosed in the description of this application. Thus, it appears that only some of the claimed compounds are disclosed within the meaning of PCT Article 5, so that the support by disclosure in the description within the meaning of PCT Article 6 is lacked.

Further, with respect to the "binder that upon addition of water at use, provides a uniform dispersion", as apparent from the above, whether or not compounds are the relevant binder compounds cannot be judged unless final compositions are obtained. The scope of compounds with this property cannot be specified even if technical common knowledge at the filing of this application is taken into account. Therefore, claim 1 also fails to satisfy the requirement of clarity prescribed in PCT Article 6.

The same applies to claims 8-16.

Therefore, search has been conducted only on the dry syrups containing hydroxypropylcellulose as an active ingredient, concretely described in the description and specified in claim 4.